

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

PETER BASILE

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

BOARD OF EDUCATION OF THE YONKERS
CITY SCHOOL DISTRICT

07 CV 1027

JUDGE LYNCH

TO: (Name and address of defendant)

BOARD OF EDUCATION OF THE YONKERS CITY SCHOOL DISTRICT
1 LARKIN CENTER
YONKERS, NEW YORK 10701

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

JAMES R. SANDNER
52 BROADWAY, 9TH FLOOR
NEW YORK, NEW YORK 10004

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

FEB 13 2007

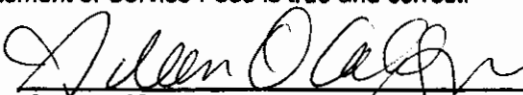
CLERK

Marcos Quintero

DATE

(BY) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons in a Civil Action -SDNY WEB 4/99

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me ¹		DATE <u>April 5, 2007</u>
NAME OF SERVER (PRINT) <u>Aileen O. Calcagni</u>		TITLE <u>attorney</u>
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____		
<input checked="" type="checkbox"/> Other (specify): <u>Served by process server on 3/21/07 (see affidavit of service attached) - however, complaint served was missing signature page. Defendants attorney, Lawrence Thomas, agreed to accept corrected service via express mail, which was received April 5, 2007.</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>April 11, 2007</u> <small>Date</small>		 <small>Signature of Server</small> <u>52 Broadway, 9th Floor</u> <u>NEW YORK, NY 10004</u> <small>Address of Server</small>

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

PETER BASILE

Plaintiff(s)

- against -

BOARD OF EDUCATION OF YONKERS CITY SCHOOL
DISTRICT

Defendant(s)

Index No. 07 CV 1027

AFFIDAVIT OF SERVICE
OF:

SUMMONS AND COMPLAINT IN A
CIVIL ACTION

STATE OF NEW YORK: COUNTY OF WESTCHESTER ss:

JOHN F. BALD

BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY
TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 03/21/07 at 1232 Hours at 1 LARKIN PLAZA YONKERS, NY 10701

deponent served the within SUMMONS AND COMPLAINT IN A CIVIL ACTION on
BOARD OF EDUCATION OF YONKERS CITY SCHOOL therein named,
DISTRICT

INDIVIDUAL

A ☐

by delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said person therein. ☐ (S) He identified (her) himself as such.

CORPORATION

B ☒

a (domestic) (foreign) corporation by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in legal papers and knew said individual to be AUTHORIZED thereof

SUITABLE
AGE PERSON

C ☐

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. ☐ (S) He identified (her) himself as of recipient

AFFIXING TO
DOOR, ETC.

D ☐

by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there on the dates below:

MAILING
USE WITH
C or D

☐

Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to the above recipient and deposited at said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Service within New York State.

Deponent further states that he describes the person actually served as follows

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	BROWN	BROWN	45	5'6	160

GLASSES

MILITARY
SERVICE

☐

Person spoken to was asked whether the recipient(s) was (were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient(s) is (are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and described as the defendant(s) in this action.


USE IN
NYC CIVIL CT.

☐

The language required by NYCRR 2900.2(e). (f) & (h) was set forth on the face of said summons (es).

Sworn to before
me on the
03/21/07

GERI L. ALBERT
Notary Public, State of New York
No. 01AL5047399
Qualified in Westchester County
Commission Expires July 31


JOHN F. J. BALD
LICENSE No.

STATE PROCESS SERVING COMPANY P.O. Box 625 • Yorktown Heights, New York 10598 • 914-243-5817